

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**CIVIL NO. 3:03CV231
(3:00CR212)**

PAULITO SALAZAR-ACUNA,)	
)	
Petitioner,)	
)	
Vs.)	JUDGMENT
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

For the reasons set forth in the Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Petitioner's conviction is hereby **AFFIRMED** and his sentence is hereby **VACATED**.
IT IS FURTHER ORDERED that the Petitioner's original sentence is hereby **REIMPOSED** and the Clerk of Court shall prepare an Amended Judgment of Conviction which contains the same terms and conditions as the one previously entered.
IT IS FURTHER ORDERED that the Petitioner may file a notice of appeal on or before ten days after the filing date of the Amended Judgment of Conviction in this action.

**DOCUMENT
SCANNED**

Signed: May 9, 2005



Lacy H. Thornburg
United States District Judge



Other Orders/Judgments

3:03-cv-00231 Salazar-Acuna v. United States CASE CLOSED on 07/30/2003

U.S. District Court**Western District of North Carolina****Notice of Electronic Filing**

The following transaction was received from Wallace, Betsy entered on 5/9/2005 at 4:30 PM EDT and filed on 5/9/2005

Case Name: Salazar-Acuna v. United States

Case Number: 3:03-cv-231

Filer:

WARNING: CASE CLOSED on 07/30/2003

Document Number: 20

Docket Text:

JUDGMENT entered in accordance w/5/9/05 Order. Signed by Judge Lacy Thornburg on 5/9/05.
(Wallace, Betsy)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095689202 [Date=5/9/2005] [FileNumber=335935-0]

[4adce4a2608174c223a4e3f7264155f0e4afadc12ca6ada3014cdf20bc3dca8a78816
016b2d6ee9d11c2979764de4d2de6369d4cdd4c5441fcfd31bf3ad2a53e]]

3:03-cv-231 Notice will be electronically mailed to:

3:03-cv-231 Notice will be delivered by other means to:

Jack M. Knight
U.S. Attorney's Office
227 W. Trade St.
1700 Carillon
Charlotte, NC 28202

Paulito Salazar-Acuna
Reg. No. 16402-058
Rivers Correction Inst.
Legal Mail
P. O. Box 630
Winton, NC 27986

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FOR THE WESTERN DISTRICT OF NORTH CAROLINA
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**CIVIL NO. 3:03CV231
(3:00CR212)**

PAULITO SALAZAR-ACUNA,)	
)	
Petitioner,)	
)	
Vs.)	<u>O R D E R</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court on the Government's Response to the Order entered March 10, 2005. Since that time, the Petitioner has filed a reply and motion for summary judgment to which were attached two affidavits, a motion requesting a hearing and a motion for certain records.

The Petitioner's trial counsel has filed an affidavit as to the question of whether the Petitioner asked him to file a notice of appeal after the imposition of his sentence. Although counsel has averred as to his standard practice on this issue, he did not have a specific recollection about the issue in this instance. As a result, the Court finds it necessary to vacate the Petitioner's sentence and reimpose the same in order to provide him with an opportunity to file a direct appeal.

IT IS, THEREFORE, ORDERED that the Petitioner's motion to vacate, set aside, or correct judgment pursuant to 28 U.S.C. § 2255 is hereby **ALLOWED IN PART AND DENIED IN PART**. A Judgment is filed herewith.

**DOCUMENT
SCANNED**

IT IS FURTHER ORDERED that the remaining motions are hereby **DENIED** as moot.

Signed: May 9, 2005



Lacy H. Thornburg
United States District Judge



Orders on Motions**3:03-cv-00231 Salazar-Acuna v. United States CASE CLOSED on 07/30/2003****U.S. District Court****Western District of North Carolina****Notice of Electronic Filing**

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Case Name: Salazar-Acuna v. United States

Case Number: 3:03-cv-231

Filer:

WARNING: CASE CLOSED on 07/30/2003

Document Number: 19

Docket Text:

ORDER granting in part/denying in part 2255 motion; denying as moot [17] Motion for Hearing, denying as moot[18] Motion . Signed by Judge Lacy Thornburg on 5/9/05. (Wallace, Betsy)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095689202 [Date=5/9/2005] [FileNumber=335925-0]
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612871f8881a48df83569c15a3aa7cc40fe3050008e56851abebff03ab2]]

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